

## SENATE BILL No. 136

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5-2-48.5; IC 3-6; IC 3-7; IC 3-8; IC 3-9; IC 3-10; IC 3-11; IC 3-12; IC 3-13; IC 3-14-2-19; IC 6-1.1-19-4.5.

**Synopsis:** Various election law matters. Makes changes to election law relating to the following: (1) Voting systems. (2) The election division budget. (3) Training election workers. (4) Challengers. (5) Precinct committeemen and state convention delegates. (6) Voter registration. (7) Party affiliation and certification of candidates. (8) Certification of election results. (9) Recounts and challenges. (10) Campaign finance reports. (11) Disabled voters. (12) Sample ballots. (13) School board tax referenda. Repeals superseded statutes relating to challengers and training election workers. (The introduced version of this bill was prepared by the census data advisory committee.)

**Effective:** July 1, 2003.

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**Landske, Skillman, Breaux,  
Craycraft**

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January 7, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

## SENATE BILL No. 136

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 3-5-2-48.5, AS AMENDED BY P.L.126-2002,  
2       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2003]: Sec. 48.5. "Testing authority" means an independent  
4       test authority as described in:

5               (1) ~~Appendix E of the Performance and Test Standards for~~  
6               ~~Punchcard, Marksense, and Direct Recording Electronic Voting~~  
7               ~~Systems System Standards~~ issued by the Federal Election  
8               Commission ~~in January 1990~~; **on April 30, 2002**; or

9               (2) other more recent voting systems standards adopted by the  
10              commission under IC 3-11-15-13.

11       SECTION 2. IC 3-6-4.2-7 IS AMENDED TO READ AS  
12       FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 7. ~~The commission~~  
13       ~~shall provide~~ Equal funding **shall be provided** to each co-director with  
14       which to employ employees under section 6 of this chapter.

15       SECTION 3. IC 3-6-6-40 IS ADDED TO THE INDIANA CODE  
16       AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
17       1, 2003]: **Sec. 40. (a) The county election board shall conduct a**



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training and educational meeting relating to the voting systems used in the county. The meeting must be held not later than the day before election day.

(b) The board shall require inspectors and judges to attend the meeting and may require other precinct election officers to attend the meeting.

SECTION 4. IC 3-6-7-5, AS ADDED BY P.L.38-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. (a) A pollbook holder **or a challenger** appointed under this chapter is entitled to do the following:

(1) Enter the polls at least thirty (30) minutes before the opening of the polls and remain there throughout election day until the polls close.

(2) Enter, leave, and reenter the polls at any time on election day.

(b) A pollbook holder **or a challenger** is subject to the orders of the board while in the polls.

(c) If demanded by a member of the precinct election board, a pollbook holder **or a challenger** shall produce the identification card issued under section 1(d) of this chapter.

SECTION 5. IC 3-7-13-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) This section applies to a person who:

(1) on the day of the next general, municipal, or special election, will meet the age and residency requirements of section 1 of this chapter; and

(2) does not meet the age or residency requirements on primary election day.

(b) A person described in subsection (a) may not cast a ballot:

(1) for candidates for:

(A) elected offices;

(B) precinct committeeman; or

(C) state convention delegate; or

(2) on public questions;

to be voted on at the same time that the primary election is conducted.

SECTION 6. IC 3-7-27-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. In a county that has a board of registration, the board shall have prepared ~~in triplicate~~ a memorandum for each voter's original affidavit of registration or transfer of an original registration executed by the board.

SECTION 7. IC 3-7-28-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 5. Upon **written** request and as soon as the list required by section 4 of this chapter is prepared, a copy

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of the list shall be furnished to the following:

- (1) The county chairman of any political party that has at least one (1) candidate on the ballot in the next election.
- (2) The committee of a candidate whose name will appear on the ballot in the next election.
- (3) The county chairman of any other bona fide political party.

SECTION 8. IC 3-7-38.1-4, AS AMENDED BY P.L.38-1999, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A contract entered into under section 3 of this chapter must require the following:

- (1) The contractor shall determine the following information regarding each voter with duplicate registrations:
  - (A) The voter's name.
  - (B) Each address at which the voter is registered.
  - (C) Other information the commission determines is necessary to implement this chapter.

The contractor shall obtain the information required by this subdivision from the information submitted to the election division under IC 3-7-26-4.

- (2) The contractor shall compile the information determined under subdivision (1) and provide the following with the information compiled under subdivision (1) in the form required by the commission:

- (A) The election division.
- (B) Each county in which a voter with a duplicate registration is registered to vote.
- (3) The contractor shall print, prepare for mailing, and mail a postcard addressed to each voter with duplicate registrations at each address found for that voter. Each postcard must contain the following:

- (A) The election division's mailing address as a return address.
- (B) A return postcard that contains all of the following:
  - (i) A mailing address to the election division.
  - (ii) A listing of all the addresses at which the voter is believed to be registered.
  - (iii) Instructions to the voter to indicate whether addresses listed on the postcard are previous addresses of the voter.
  - (iv) A place for the voter to state the voter's current address.
  - (v) A statement of the voter authorizing cancellation of the voter's registration at other addresses in Indiana.
  - (vi) A statement informing the voter that the voter must

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return the postcard to the election division not later than a date specified by the election division.

(vii) A place for the voter's signature or mark.

(C) A statement of the consequences to the voter of the voter's failure to return the return postcard to the election division not later than a date specified by the election division.

(4) Before a date specified by the election division for each year, the contractor shall provide to the election division the following lists:

(A) A list of all voters with duplicate registrations who have returned postcards to the election division before a date specified by the election division. The list must indicate for each voter the following information:

(i) The voter's current address, including the county, as provided by the voter.

(ii) Each former address, including the county of each former address, at which the voter is registered.

(B) A list of all voters with duplicate registrations who have not returned postcards to the election division before a date specified by the election division. The list must indicate each county in which each voter is registered to vote.

(5) Not later than a date specified by the election division, the contractor shall mail to each county the following lists:

(A) A list of all voters with duplicate registrations who have:

(i) returned postcards to the election division before a date specified by the election division; and

(ii) indicated a current residence within the county.

(B) A list of all voters with duplicate registrations who:

(i) have returned postcards to the election division before a date specified by the election division;

(ii) are registered to vote in the county; and

(iii) have indicated a current residence in another county.

(C) A list of all voters with duplicate registrations who:

(i) have not returned postcards to the election division before a date specified by the election division; and

(ii) are registered to vote in the county.

(6) Not later than a date specified by the election division, the contractor shall ~~do the following~~:

~~(A)~~ send a postcard to each voter described in subdivision

(5)(B) informing the voter how the voter may register to vote in the county of the voter's current residence.

~~(B)~~ Send a postcard to each voter described in subdivision

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~~(5)(C) notifying the voter:~~

- ~~(i) that if the voter does not notify the county voter registration office of the voter's current residence before a date specified by the election division, the voter's registration will be placed on inactive status; and~~
- ~~(ii) of the consequences of the voter's registration being placed on inactive status.~~

Postcards and information supplied on postcards sent under this subdivision must comply with 42 U.S.C. 1973gg-6(d).

(7) Not later than a date specified by the election division, the contractor shall assist the election division in updating the statewide voter registration file using information obtained from the county voter registration offices under section 6 of this chapter.

(b) The contract may require the contractor to perform other services the election division requires.

SECTION 9. IC 3-7-46-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Not later than:

- (1) January 31;
- (2) April 30;
- (3) July 31; and
- (4) October 31;

of each year, a county sheriff shall provide the circuit court clerk or board of registration with a list with the information set forth in subsection (b).

(b) The list required by subsection (a) must identify each person who:

- (1) is a resident of Indiana;
- (2) has been convicted of a crime; and
- (3) has been placed in a county correctional facility during the previous **three (3) month period.**

SECTION 10. IC 3-7-48-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) The precinct election board shall add the name and address of a voter described by section 7 of this chapter to the poll list of the precinct.

**(b) The county voter registration office shall add the name of a voter described by section 7 of this chapter to the registration record of the county.**

SECTION 11. IC 3-8-1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 32. A candidate for:

- (1) precinct committeeman; or
- (2) delegate to a state convention;

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of ~~each~~ a political party in the state whose nominee received at least ten percent (10%) of the total vote cast for secretary of state at the last election must ~~have voted; at the candidate's most recent vote at a primary election; for the candidates of the political party with which the candidate seeks affiliation. However, a candidate is not disqualified for not having previously voted in a primary election.~~ **be affiliated with the political party. For purposes of this section, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.**

SECTION 12. IC 3-8-2-2.5, AS AMENDED BY P.L.26-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2.5. (a) A person who desires to be a write-in candidate for a federal, state, legislative, or local office or school board office in a general, municipal, or school board election must file a declaration of intent to be a write-in candidate with the officer with whom declaration of candidacy must be filed under sections 5 and 6 of this chapter.

(b) The declaration of intent to be a write-in candidate required under subsection (a) must be signed before a person authorized to administer oaths and must certify the following information:

(1) The candidate's name must be printed or typewritten as:

(A) the candidate wants the candidate's name to ~~appear on the ballot;~~ **be certified;** and

(B) the candidate's name is permitted to appear ~~on the ballot~~ under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) The candidate's party affiliation or a statement that the candidate is an independent candidate (not affiliated with any party). **For purposes of this subdivision, a candidate is affiliated with a political party only if the candidate satisfies section 7(a)(4) of this chapter.**

(5) A statement of the candidate's intention to be a write-in candidate, the name of the office, including the district, and the date and type of election.

(6) If the candidate is a candidate for the office of President or Vice President of the United States, a statement declaring the names of the individuals who have consented and are eligible to

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be the candidate's candidates for presidential electors.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has:

(A) been a candidate for state or local office in a previous primary or general election; and

(B) filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of intent to be a write-in candidate under section 4 of this chapter.

(10) If the candidate is subject to IC 3-9-1-5.5, a statement that the candidate is required to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars (\$500) in contributions.

(B) The candidate makes more than five hundred dollars (\$500) in expenditures.

(11) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(12) The candidate's signature and telephone number.

(c) At the time of filing the declaration of intent to be a write-in candidate, the write-in candidate is considered a candidate for all purposes.

(d) A write-in candidate must comply with the requirements under IC 3-8-1 that apply to the office to which the write-in candidate seeks election.

(e) A person may not be a write-in candidate in a contest for

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1 nomination or for election to a political party office.

2 (f) A write-in candidate for the office of President or Vice President  
3 of the United States must list at least one (1) candidate for presidential  
4 elector and may not list more than the total number of presidential  
5 electors to be chosen in Indiana.

6 (g) The commission shall provide that the form of a declaration of  
7 intent to be a write-in candidate includes the following information  
8 near the separate signature required by subsection (b)(7):

9 (1) The dates for filing campaign finance reports under IC 3-9.

10 (2) The penalties for late filing of campaign finance reports under  
11 IC 3-9.

12 (h) A declaration of intent to be a write-in candidate must include  
13 a statement that the candidate requests the name on the candidate's  
14 voter registration record be the same as the name the candidate uses on  
15 the declaration of intent to be a write-in candidate. If there is a  
16 difference between the name on the candidate's declaration of intent to  
17 be a write-in candidate and the name on the candidate's voter  
18 registration record, the officer with whom the declaration of intent to  
19 be a write-in candidate is filed shall forward the information to the  
20 voter registration officer of the appropriate county as required by  
21 IC 3-5-7-6(e). The voter registration officer of the appropriate county  
22 shall change the name on the candidate's voter registration record to be  
23 the same as the name on the candidate's declaration of intent to be a  
24 write-in candidate.

25 SECTION 13. IC 3-8-6-14, AS AMENDED BY P.L.58-2001,  
26 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
27 JULY 1, 2003]: Sec. 14. (a) A person may not be selected as a  
28 candidate by petition of nomination without giving written consent and  
29 having it filed with the public official with whom certificates and  
30 petitions of nomination are required to be filed.

31 (b) Each candidate nominated by petition of nomination must satisfy  
32 all statutory eligibility requirements for the office for which the  
33 candidate is nominated, including the filing of statements of economic  
34 interest.

35 (c) All questions concerning the validity of a petition of nomination  
36 filed with the secretary of state shall be referred to and determined by  
37 the commission. A statement questioning the validity of a petition of  
38 nomination must be filed with the election division under IC 3-8-1-2(c)  
39 not later than noon seventy-four (74) days before the date on which the  
40 general or municipal election will be held for the office.

41 (d) All questions concerning the validity of a petition of nomination  
42 filed with a circuit court clerk shall be referred to and determined by

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the county election board. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(e) This subsection does not apply to a petition of nomination for election to a school board office subject to IC 3-8-2-14. The commission or a county election board shall rule on the validity of the petition of nomination not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

**(f) This subsection applies to a petition of nomination for election to a school board office elected in a general election. All questions concerning the validity of the petition of nomination shall be referred to and determined by the county election board not later than noon fifty-four (54) days before the date of the general election. A statement questioning the validity of a petition of nomination must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the general election.**

SECTION 14. IC 3-8-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 2. The election division shall, not later than noon ~~August 20,~~ **seventy-four (74) days before the date of the general election,** certify the primary election results canvassed and tabulated under IC 3-10-1-34 for:

- (1) candidates for federal and state offices; and
- (2) candidates for legislative and local offices who are required to file a declaration of candidacy with the election division under IC 3-8-2;

to the county election board of each county in which the candidates are to be voted for at the next general election. No other form of certification of nomination for the offices is necessary.

SECTION 15. IC 3-8-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 12. (a) A certificate of nomination for an office to be elected by the electorate of the whole state shall be filed with the election division. A certificate of nomination for any other elected office shall be filed with the person with whom a declaration of candidacy shall be filed.

(b) The election division shall, not later than noon ~~August 20,~~ **seventy-four (74) days before the date of the general election,** certify each certificate of nomination filed in the election division to the appropriate county election board.

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1 SECTION 16. IC 3-8-7-16 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) The election  
 3 division shall certify the following to each county election board not  
 4 later than noon ~~August 20~~ **seventy-four (74) days before the date of**  
 5 **the general election** (or noon sixty (60) days before the general  
 6 election for nominees for United States President and Vice President):  
 7 ~~before an election:~~

8 (1) The name and place of residence of each person nominated for  
 9 election to:

10 (A) an office for which the electorate of the whole state may  
 11 vote;

12 (B) the United States House of Representatives;

13 (C) a legislative office; or

14 (D) a local office for which a declaration of candidacy must be  
 15 filed with the election division under IC 3-8-2.

16 (2) The name of each:

17 (A) justice of the supreme court;

18 (B) judge of the court of appeals; and

19 (C) judge of the tax court;

20 who is subject to a retention vote by the electorate and who has  
 21 filed a statement under IC 33-2.1-2-6 indicating that the justice or  
 22 judge wishes to have the question of the justice's or judge's  
 23 retention placed on the ballot.

24 (b) Subject to compliance with section 11 of this chapter, the  
 25 election division shall designate the device under which the list of  
 26 candidates of each political party will be printed and the order in which  
 27 the political party ticket will be arranged under IC 3-10-4-2 and  
 28 IC 3-11-2-6.

29 SECTION 17. IC 3-9-3-1 IS AMENDED TO READ AS FOLLOWS  
 30 [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) Except as provided in  
 31 ~~subsection~~ **subsections (b) and (c)**, this chapter applies to candidates  
 32 in all elections and caucuses and to the following types of committees:

33 (1) Candidate's committees.

34 (2) Regular party committees.

35 (3) Political action committees.

36 (4) An auxiliary party organization.

37 (5) A legislative caucus committee.

38 (b) Section 4 of this chapter does not apply to candidates for federal  
 39 office.

40 (c) **Section 2.5 of this chapter does not apply to candidates for**  
 41 **the following:**

42 (1) **Precinct committeeman.**



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1 **(2) State convention delegate.**

2 SECTION 18. IC 3-9-4-6 IS AMENDED TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2003]: Sec. 6. (a) Except as provided in  
4 ~~subsection~~ **subsections (b) and (c)**, the election division and each  
5 county election board shall preserve reports and statements for four (4)  
6 years from December 1 following the election to which they pertain,  
7 unless the records are in litigation.

8 (b) This subsection applies to reports and statements filed by a  
9 person that seeks to influence the election or retention of an individual  
10 to an office with a term of more than four (4) years. The election  
11 division and each county election board shall preserve the reports and  
12 statements subject to this subsection until the final December 1 before  
13 the expiration of the term for the office, unless the records are in  
14 litigation.

15 **(c) If a report is a duplicate of a report required to be filed**  
16 **under the federal Election Campaign Act (2 U.S.C. 431 et seq.), the**  
17 **report may be discarded on January 1 of the second year after the**  
18 **report was filed.**

19 SECTION 19. IC 3-9-4-16 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) In addition to  
21 any other penalty imposed, a person who does any of the following is  
22 subject to a civil penalty under this section:

23 (1) Fails to file with the election division a report in the manner  
24 required under IC 3-9-5.

25 (2) Fails to file a statement of organization required under  
26 IC 3-9-1.

27 (3) Is a committee or a member of a committee who disburses or  
28 expends money or other property for any political purpose before  
29 the money or other property has passed through the hands of the  
30 treasurer of the committee.

31 (4) Makes a contribution other than to a committee subject to this  
32 article or to a person authorized by law or a committee to receive  
33 contributions on the committee's behalf.

34 (5) Is a corporation or labor organization that exceeds any of the  
35 limitations on contributions prescribed by IC 3-9-2-4.

36 (6) Makes a contribution in the name of another person.

37 (7) Accepts a contribution made by one (1) person in the name of  
38 another person.

39 (8) Is not the treasurer of a committee subject to this article, and  
40 pays any expenses of an election or a caucus except as authorized  
41 by this article.

42 (9) Commingles the funds of a committee with the personal funds

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of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Violates IC 3-9-2-12.

**(12) Fails to designate a contribution as required by IC 3-9-2-5(c).**

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a

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1 candidate or the candidate's committee has violated IC 3-9-2-12, the  
 2 commission shall assess a civil penalty equal to the greater of the  
 3 following, plus any investigative costs incurred and documented by the  
 4 election division:

5 (1) Two (2) times the amount of any contributions received.

6 (2) One thousand dollars (\$1,000).

7 **(g) This subsection applies to a person who is subject to a civil**  
 8 **penalty under subsection (a)(12). If the commission determines that**  
 9 **a corporation or a labor organization has failed to designate a**  
 10 **contribution in violation of IC 3-9-2-5(c), the commission shall**  
 11 **assess a civil penalty equal to the greater of the following, plus any**  
 12 **investigative costs incurred and documented by the election**  
 13 **division:**

14 **(1) Two (2) times the amount of the contributions**  
 15 **undesignated.**

16 **(2) One thousand dollars (\$1,000).**

17 **(h) All civil penalties collected under this section shall be deposited**  
 18 **with the treasurer of state in the campaign finance enforcement**  
 19 **account.**

20 ~~(h)~~ **(i) Proceedings of the commission under this section are subject**  
 21 **to IC 4-21.5.**

22 SECTION 20. IC 3-9-4-17 IS AMENDED TO READ AS  
 23 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 17. (a) In addition to  
 24 any other penalty imposed, a person who does any of the following is  
 25 subject to a civil penalty under this section:

26 (1) Fails to file with a county election board a report in the  
 27 manner required under IC 3-9-5.

28 (2) Fails to file a statement of organization required under  
 29 IC 3-9-1.

30 (3) Is a committee or a member of a committee who disburses or  
 31 expends money or other property for any political purpose before  
 32 the money or other property has passed through the hands of the  
 33 treasurer of the committee.

34 (4) Makes a contribution other than to a committee subject to this  
 35 article or to a person authorized by law or a committee to receive  
 36 contributions in the committee's behalf.

37 (5) Is a corporation or labor organization that exceeds any of the  
 38 limitations on contributions prescribed by IC 3-9-2-4.

39 (6) Makes a contribution in the name of another person.

40 (7) Accepts a contribution made by one (1) person in the name of  
 41 another person.

42 (8) Is not the treasurer of a committee subject to this article, and

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1 pays any expenses of an election or a caucus except as authorized  
2 by this article.

3 (9) Commingles the funds of a committee with the personal funds  
4 of an officer, a member, or an associate of the committee.

5 (10) Wrongfully uses campaign contributions in violation of  
6 IC 3-9-3-4.

7 **(11) Fails to designate a contribution as required by**  
8 **IC 3-9-2-5(c).**

9 (b) This subsection applies to a person who is subject to a civil  
10 penalty under subsection (a)(1) or (a)(2) for filing a defective report or  
11 statement. If the county election board determines that a person failed  
12 to file the report or a statement of organization not later than noon five  
13 (5) days after being given notice under section 14 of this chapter, the  
14 county election board may assess a civil penalty. The penalty is ten  
15 dollars (\$10) for each day the report is late after the expiration of the  
16 five (5) day period, not to exceed one hundred dollars (\$100) plus any  
17 investigative costs incurred and documented by the board. The civil  
18 penalty limit under this subsection applies to each report separately.

19 (c) This subsection applies to a person who is subject to a civil  
20 penalty under subsection (a)(1) or (a)(2) for a delinquent report or  
21 statement. If the county election board determines that a person failed  
22 to file the report or statement of organization by the deadline prescribed  
23 under this article, the board shall assess a civil penalty. The penalty is  
24 fifty dollars (\$50) for each day the report is late, with the afternoon of  
25 the final date for filing the report or statement being calculated as the  
26 first day. The civil penalty under this subsection may not exceed one  
27 thousand dollars (\$1,000) plus any investigative costs incurred and  
28 documented by the board. The civil penalty limit under this subsection  
29 applies to each report separately.

30 (d) This subsection applies to a person who is subject to a civil  
31 penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or  
32 (a)(10). If the county election board determines that a person is subject  
33 to a civil penalty under subsection (a), the board may assess a civil  
34 penalty of not more than one thousand dollars (\$1,000), plus any  
35 investigative costs incurred and documented by the board.

36 (e) This subsection applies to a person who is subject to a civil  
37 penalty under subsection (a)(5). If the county election board determines  
38 that a person is subject to a civil penalty under subsection (a)(5), the  
39 board may assess a civil penalty of not more than three (3) times the  
40 amount of the contribution in excess of the limit prescribed by  
41 IC 3-9-2-4, plus any investigative costs incurred and documented by  
42 the board.

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(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

(1) Two (2) times the amount of the contributions undesignated.

(2) One thousand dollars (\$1,000).

(g) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.

~~(g)~~ (h) Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

~~(h)~~ (i) Proceedings of the county election board under this section are subject to IC 4-21.5.

SECTION 21. IC 3-9-5-8, AS AMENDED BY P.L.176-1999, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) This section applies to a candidate for nomination to an office in a ~~state~~ convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a ~~state~~ convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the ~~state~~ convention.

SECTION 22. IC 3-9-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) A person may file duplicates of the reports required to be filed under the Federal Election Campaign Act (2 U.S.C. 431 et seq.) to comply with this chapter.

(b) The duplicate must cover all activity of the committee, and the committee shall file a supplementary report as directed by the election division to provide information required by this article but not included in the federal report.

(c) Each candidate for United States Senator or United States



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Representative and the treasurer of the candidate's committee may file with the election division duplicates of the reports required by federal law.

**(d) If a report is available on the Federal Election Commission's web site, a statement to that effect is all the person is required to file.**

SECTION 23. IC 3-9-5-20.1, AS ADDED BY P.L.176-1999, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20.1. (a) This section applies only to a large contribution that ~~satisfies all of the following~~:

~~(1) The contribution~~ is received by a candidate, the candidate's committee, or the treasurer of the candidate's committee.

~~(2) The contribution is received:~~

~~(A) not more than twenty-five (25) days before an election; and~~

~~(B) not less than forty-eight (48) hours before an election.~~

(b) As used in this section, "election" refers to any of the following:

(1) A primary election.

(2) A general election.

(3) A municipal election.

(4) A special election.

(5) For candidates nominated at a state convention, the state convention.

(c) As used in this section, "large contribution" means ~~a contribution~~ **contributions:**

**(1) that total at least one thousand dollars (\$1,000); and**

**(2) received:**

**(A) not more than twenty-five (25) days before an election; and**

**(B) not less than forty-eight (48) hours before an election.**

(d) The treasurer of a candidate's committee shall file a supplemental large contribution report with the election division or a county election board not later than forty-eight (48) hours after the contribution is received. **A candidate for a legislative office shall file a report required by this section with the election division and the county election board as required by section 3 of this chapter.** A report filed under this section may be filed by facsimile (fax) transmission.

(e) A report required by subsection (d) must contain the following information for each large contribution:

(1) The name of the person making the contribution.

(2) The address of the person making the contribution.



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(3) If the person making the contribution is an individual, the individual's occupation.

(4) The **total** amount of the contribution.

(5) The ~~date dates~~ and ~~time times~~ the ~~contribution was contributions making up the large contribution were~~ received by the treasurer, the candidate, or the candidate's committee.

(f) The commission shall prescribe the form for the report required by this section.

SECTION 24. IC 3-10-1-31, AS AMENDED BY P.L.199-2001, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 31. (a) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(b) Except for unused ballots disposed of under IC 3-11-3-31, the circuit court clerk shall carefully preserve the ballots and other material and keep all seals intact for twenty-two (22) months, as required by 42 U.S.C. 1974, after which they may be destroyed unless:

(1) an order issued under IC 3-12-6-19 or IC 3-12-11-16; or

(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(c) Upon delivery of the poll lists, the circuit court clerk or board of registration may unseal the envelopes containing the poll lists. For the purposes of:

(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46; ~~or~~

(2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42; **or**

**(3) adding the registration of a voter under IC 3-7-48-8;**

the clerk or board may inspect the poll lists and update the registration record of the county. The clerk or board shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be resealed and preserved with the ballots and other materials for the time period prescribed by subsection (b).

(d) After the expiration of the period described in subsection (b), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

SECTION 25. IC 3-10-1-34, AS AMENDED BY P.L.176-1999, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 34. The election division, not later than noon:

(1) ~~on the second Wednesday following a primary election conducted in a year in which a general election will be held; on the date for correcting an error under IC 3-12-5-14; or~~

(2) seven (7) days after receipt of the final recount certificate transmitted under IC 3-12-6-31 or IC 3-12-11-18;

whichever occurs later, shall canvass the votes cast for candidates required to file a declaration of candidacy with the election division under IC 3-8-2 and tabulate the result as provided in IC 3-12.

SECTION 26. IC 3-10-2-15, AS AMENDED BY P.L.202-1999, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) This section applies to a political party whose nominee received at least two percent (2%) but less than ten percent (10%) of the votes cast for secretary of state at the last election for that office.

(b) This section applies only to a local office that is:

(1) not listed in IC 3-8-2-5; and

(2) not a municipal office subject to IC 3-8-5-17 or IC 3-10-6-12.

(c) A political party subject to this section shall nominate the party's candidate for a local office at a county convention of the party.

(d) The chairman and secretary of the convention shall execute a certificate of nomination in writing, setting out the following:

(1) The name of each nominee as:

(A) the nominee wants the nominee's name to appear on the ballot; and

(B) the nominee's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each nominee.

(3) The office for which each nominee was nominated.

(4) That each nominee is legally qualified to hold office.

(5) The political party device or emblem by which the ticket will be designated on the ballot.

Both the chairman and secretary shall acknowledge the certificate before an officer authorized to take acknowledgment of deeds.

(e) Each candidate nominated under this section shall execute a consent to the nomination in the same form as a candidate nominated by petition under IC 3-8-6.

(f) The certificate required by subsection (d) and the consent required by subsection (e) must be filed with the circuit court clerk of the county containing the greatest percentage of population of the election district for which the candidate has been nominated by the convention not later than noon ~~August 1~~ **July 15**.



(g) A candidate's consent to the nomination must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to the nomination. If there is a difference between the name on the candidate's consent to the nomination and the name on the candidate's voter registration record, the officer with whom the consent to the nomination is filed shall forward the information to the voter registration officer of the appropriate county. The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to the nomination.

SECTION 27. IC 3-10-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A county election board and a town may enter into a written agreement providing that the county election board will conduct a municipal election in the town. ~~However,~~

(b) A town that enters into ~~such~~ an agreement **described in subsection (a)** shall continue to nominate candidates by convention conducted under IC 3-8-5 or by petition filed under IC 3-8-6 **unless the town nominates candidates in a primary election as provided in IC 3-8-5-2.**

(c) An agreement may not be entered into after July 1 of a year in which a municipal election is to be held in the town.

(d) A county election board that enters into an agreement under this section shall conduct the municipal election in the same manner as it conducts a general election in a town that has a population of three thousand five hundred (3,500) or more.

SECTION 28. IC 3-11-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) An overseas voter who resides outside the United States and who is no longer a resident of a precinct in Indiana is only entitled to receive absentee ballots for a federal office under this chapter.

**(b) A voter described in subsection (a) is considered to be a voter of the Indiana precinct where the voter registration office is located.**

SECTION 29. IC 3-11-8-15, AS AMENDED BY P.L.38-1999, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) Persons other than:

- (1) members of a precinct election board;
- (2) poll clerks and assistant poll clerks;
- (3) election sheriffs;
- (4) deputy election commissioners;

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1 (5) pollbook holders;

2 (6) **challengers**;

3 (7) watchers; and

4 ~~(7)~~ **(8)** minor children accompanying voters as provided under  
5 IC 3-11-11-8 and IC 3-11-12-29;

6 are not permitted in the polls during an election except for the purpose  
7 of voting.

8 (b) This subsection applies to a simulated election for minors  
9 conducted with the authorization of the county election board. An  
10 individual participating in the simulated election may be in the polls for  
11 the purpose of voting. A person supervising the simulated election may  
12 be in the polls to perform the supervision.

13 (c) The inspector of a precinct has authority over all simulated  
14 election activities conducted under subsection (b) and shall ensure that  
15 the simulated election activities do not interfere with the election  
16 conducted in that polling place.

17 SECTION 30. IC 3-11-8-16, AS AMENDED BY P.L.38-1999,  
18 SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
19 JULY 1, 2003]: Sec. 16. ~~Challengers appointed under IC 3-6-7 are~~  
20 ~~entitled to stand at the sides of the chute next to the entrance to the~~  
21 ~~polls, as provided in IC 3-6-7-2. No other~~ A person may **not** remain  
22 within fifty (50) feet of the entrance to the polls except for the purpose  
23 of offering to vote.

24 SECTION 31. IC 3-11-9-5 IS ADDED TO THE INDIANA CODE  
25 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
26 1, 2003]: Sec. 5. **(a) As used in this section, "service animal" has the**  
27 **meaning set forth in IC 35-46-3-11.5.**

28 **(b) A voter who requires the assistance of a service animal is**  
29 **entitled to bring the animal into the polls and the voter booth.**

30 SECTION 32. IC 3-11-10-39 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 39. Each county  
32 election board ~~may, not later than the fourth day before election day,~~  
33 **shall** conduct a ~~one (1) day~~ training session for the members of the  
34 absentee voter boards. **A member of an absentee voter board must**  
35 **receive the training before the member begins performing the**  
36 **member's duties.** At the training session the duties of the absentee  
37 voter boards and the election laws and penalties pertaining to their  
38 duties shall be explained in detail. The members of absentee voter  
39 boards are entitled to a per diem set by the county executive for  
40 attending the training session.

41 SECTION 33. IC 3-11-15-13, AS AMENDED BY P.L.126-2002,  
42 SECTION 74, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2003]: Sec. 13. (a) Except as provided in this chapter, to be approved for use in Indiana, a voting system shall meet the standards established by the ~~Performance and Test Standards for Punchcard, Marksense, and Direct Recording Electronic Voting Systems System Standards~~ issued by the Federal Election Commission on ~~January 25, 1990~~ **April 30, 2002**.

(b) The commission may adopt rules under IC 4-22-2 to require a voting system to meet standards more recent than standards described in subsection (a). If the commission adopts rules under this subsection, a voting system must meet the standards described in the rules instead of the standards described in subsection (a).

SECTION 34. IC 3-12-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) This section does not apply to the correction of an error under IC 3-12-6-29 or IC 3-12-11-23.

(b) The county election board or the election division shall correct an error in the certification of the vote for a candidate or on a public question if the error is discovered not later than the final date and hour for the filing of a recount or contest under ~~IC 3-12~~ **this article**.

SECTION 35. IC 3-12-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) Upon the filing of a petition for a recount, the circuit court clerk shall notify the judge. The judge shall:

- (1) issue a notice of the filing and pendency of the petition to:
  - (A) each candidate named in the petition;
  - (B) **the county election board; and**
  - (C) **the election division if the petition relates to a recount for the office of judge or prosecuting attorney; and**
- (2) deliver the notice to the sheriff of each county in which a candidate resides.

(b) Each sheriff shall immediately serve the notice upon candidates in person or by leaving a copy at the last and usual place of residence. The sheriff shall make immediate return of the service.

SECTION 36. IC 3-12-6-22.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22.5. (a) **After the commission files its certificate under section 22 of this chapter, the court that appointed the commission shall issue an order that does the following:**

- (1) **Acknowledges the filing of the certificate.**
  - (2) **Discharges the commission.**
  - (3) **Releases election materials impounded during the recount.**
- (b) The determination of a commission under section 22 of this



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chapter is final, although an appeal may be taken to the court that appointed the commission.

~~(b)~~ (c) An appeal under subsection ~~(a)~~: (b):

(1) **must be filed not later than thirty (30) days after the court issues the order under subsection (a); and**

(2) is limited to:

(1) (A) questions of law arising out of the recount; and

(2) (B) procedural defects by the recount commission that affected the outcome of the recount.

SECTION 37. IC 3-12-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 8. (a) Upon the filing of a petition for a contest, the circuit court clerk shall notify the circuit court judge. The judge shall issue a notice to the county sheriff directing the sheriff to serve notice upon the contestee and all other persons named in the petition as candidates for nomination or election to the office to appear and answer the petition in the circuit court on a day to be fixed in the notice.

(b) **The county sheriff shall also serve a copy of the notice described in subsection (a) on:**

(1) **the county election board; and**

(2) **the election division if the petition relates to a recount for the office of judge or prosecuting attorney.**

SECTION 38. IC 3-13-1-15, AS AMENDED BY P.L.260-2001, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The **residence** address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or

(B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge of a circuit, superior,

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1 probate, county, or small claims court or prosecuting attorney;  
2 or

3 (2) the circuit court clerk, for a committee acting under section  
4 6(a) of this chapter to fill a candidate vacancy for a local office  
5 not described in subdivision (1).

6 (c) This subsection applies to a candidate vacancy resulting from a  
7 vacancy on the primary election ballot as described in section 2 of this  
8 chapter. The certificate required by subsection (a) shall be filed not  
9 later than noon July 3 before election day.

10 (d) This subsection applies to all candidate vacancies not described  
11 by subsection (c). The certificate required by subsection (a) shall be  
12 filed not more than three (3) days (excluding Saturdays and Sundays)  
13 after selection of the candidates.

14 SECTION 39. IC 3-13-2-8, AS AMENDED BY P.L.202-1999,  
15 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
16 JULY 1, 2003]: Sec. 8. (a) The chairman or chairmen filling a  
17 candidate vacancy under this chapter shall immediately file a written  
18 certificate of candidate selection on a form prescribed by the  
19 commission stating the following information for each candidate  
20 selected:

21 (1) The name of each candidate as:

22 (A) the candidate wants the candidate's name to appear on the  
23 ballot; and

24 (B) the candidate's name is permitted to appear on the ballot  
25 under IC 3-5-7.

26 (2) The **residence** address of each candidate.

27 (b) The certificate shall be filed with:

28 (1) the election division for:

29 (A) one (1) or more chairmen acting under section 2, 3, 4, or  
30 5(b) of this chapter; or

31 (B) a committee acting under section 5(b) of this chapter to fill  
32 a candidate vacancy for the office of judge of a circuit,  
33 superior, probate, county, or small claims court or prosecuting  
34 attorney; or

35 (2) the circuit court clerk of the county in which the greatest  
36 percentage of the population of the election district is located, for  
37 a chairman acting under section 5(a) of this chapter to fill a  
38 candidate vacancy for a local office not described in subdivision  
39 (1).

40 (c) The certificate required by section (a) shall be filed not more  
41 than three (3) days (excluding Saturdays and Sundays) after selection  
42 of the candidate.

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1 SECTION 40. IC 3-14-2-19 IS AMENDED TO READ AS  
 2 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. (a) A person who  
 3 knowingly:

4 (1) forges or falsely makes the official endorsement of a ballot; or  
 5 (2) prints or circulates an imitation ballot;  
 6 commits a Class D felony.

7 **(b) This section does not prohibit the printing or circulation of**  
 8 **a sample ballot or a reproduction of an official ballot if the sample**  
 9 **or reproduction complies with IC 3-9-3-2.5 and the printing or**  
 10 **circulation does not violate IC 3-14-1-2.**

11 SECTION 41. IC 6-1.1-19-4.5, AS AMENDED BY P.L.85-2002,  
 12 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2003]: Sec. 4.5. (a) With respect to every appeal petition that  
 14 is delivered to the tax control board by the department of local  
 15 government finance under section 4.1 of this chapter and that includes  
 16 a request for emergency financial relief (except an appeal petition  
 17 described in section 4.7 of this chapter), the tax control board shall,  
 18 after having made the study of the appeal petition and related materials  
 19 that the tax control board considers necessary, make an appropriate  
 20 recommendation to the department of local government finance. If the  
 21 appeal petition requests an excessive tax levy under subsection (c), the  
 22 tax control board shall expedite the board's review as necessary to  
 23 permit the referendum to be conducted without a special election. In  
 24 respect of the appeal petition, the tax control board may make to the  
 25 department of local government finance any of the recommendations  
 26 described in section 4.4(a) of this chapter, subject to the limitations  
 27 described in section 4.4(b) of this chapter.

28 (b) In addition, if the tax control board concludes that the appellant  
 29 school corporation cannot, in the ensuing calendar year, carry out the  
 30 public educational duty committed to the appellant school corporation  
 31 by law if, for the ensuing calendar year, the appellant school  
 32 corporation does not receive emergency financial relief, the tax control  
 33 board may recommend to the department of local government finance  
 34 that the order of the county board of tax adjustment or the county  
 35 auditor in respect of the budget, tax levy, or tax rate of the appellant  
 36 school corporation be approved, or disapproved and modified, as  
 37 specified in the tax control board's recommendation and that the  
 38 appellant school corporation receive emergency financial relief from  
 39 the state, on terms to be specified by the tax control board in the board's  
 40 recommendation, in the form of:

41 (1) a grant or grants from any funds of the state that are available  
 42 for such a purpose;

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(2) a loan or loans from any funds of the state that are available for such a purpose;

(3) permission to the appellant school corporation to borrow funds from a source other than the state or assistance in obtaining the loan;

(4) an advance or advances of funds that will become payable to the appellant school corporation under any law providing for the payment of state funds to school corporations;

(5) permission to the appellant school corporation to:

(A) cancel any unpaid obligation of the appellant school corporation's general fund to the appellant school corporation's cumulative building fund; or

(B) use, for general fund purposes, any unobligated balance in the appellant school corporation's cumulative building fund and the proceeds of any levy made or to be made by the appellant school corporation for the appellant school corporation's cumulative building fund;

(6) permission to use, for general fund purposes, any unobligated balance in any construction fund, including any unobligated proceeds of a sale of the school corporation's general obligation bonds; or

(7) a combination of the emergency financial relief described in subdivisions (1) through (6).

(c) In addition to, or in lieu of, any recommendation that the tax control board may make under this section, the tax control board may recommend that the appellant school corporation be permitted to make a referendum tax levy for the ensuing calendar year under this subsection. The recommendation may not be put into effect until a majority of the individuals who vote in a referendum that is conducted in accordance with the following requirements approves the appellant school corporation's making a referendum tax levy for the ensuing calendar year:

(1) Whenever:

(A) the tax control board recommends to the department of local government finance that the appellant school corporation be permitted to make a referendum tax levy for the ensuing calendar year if a majority of the individuals voting in a referendum held in the appellant school corporation approves the appellant school corporation's making a referendum tax levy;

(B) the department of local government finance gives the board's written approval of the recommendation; and

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1 (C) the appellant school corporation requests that the tax  
 2 control board take the steps necessary to cause a referendum  
 3 to be conducted;  
 4 the tax control board shall proceed in accordance with this  
 5 subsection.  
 6 (2) The question to be submitted to the voters in the referendum  
 7 must read as follows:  
 8 "For the \_\_ (insert number) calendar year or years immediately  
 9 following the holding of the referendum, shall the school  
 10 corporation impose a property tax rate that does not exceed  
 11 \_\_\_\_\_ (insert amount) cents (\$0.\_\_\_\_) (insert amount)  
 12 on each one hundred dollars (\$100) of assessed valuation and  
 13 that is in addition to the school corporation's normal tax rate?".  
 14 The voters in a referendum may not approve a referendum tax  
 15 levy that is imposed for more than seven (7) years. However, a  
 16 referendum tax levy may be reimposed or extended under this  
 17 subsection.  
 18 (3) The tax control board shall act under IC 3-10-9-3 to certify the  
 19 question to be voted on at the referendum to the county election  
 20 board of each county in which any part of the appellant school  
 21 corporation lies. Each county clerk shall, upon receiving the  
 22 question certified by the tax control board, call a meeting of the  
 23 county election board to make arrangements for the referendum.  
 24 The referendum shall be held in the next primary or general  
 25 election in which the residents of the appellant school corporation  
 26 are entitled to vote after certification of the question under  
 27 IC 3-10-9-3. However, if the referendum would be held at a  
 28 primary or general election more than six (6) months after  
 29 certification by the tax control board, the referendum shall be held  
 30 at a special election to be conducted not less than ~~sixty (60)~~  
 31 **ninety (90)** days after the question is certified to the circuit court  
 32 clerk or clerks by the tax control board. The appellant school  
 33 corporation shall advise each affected county election board of the  
 34 date on which the appellant school corporation desires that the  
 35 referendum be held, and, if practicable, the referendum shall be  
 36 held on the day specified by the appellant school corporation. The  
 37 referendum shall be held under the direction of the county  
 38 election board, which shall take all steps necessary to carry out  
 39 the referendum. Not less than ten (10) days before the date on  
 40 which the referendum is to be held, the county election board  
 41 shall cause notice of the question that is to be voted upon at the  
 42 referendum to be published in accordance with IC 5-3-1. If the

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1 referendum is not conducted at a primary or general election, the  
 2 appellant school corporation in which the referendum is to be held  
 3 shall pay all of the costs of holding the referendum.

4 (4) Each county election board shall cause the question certified  
 5 to the circuit court clerk by the tax control board to be placed on  
 6 the ballot in the form prescribed by IC 3-10-9-4. The county  
 7 election board shall also cause an adequate supply of ballots and  
 8 voting equipment to be delivered to the precinct election board of  
 9 each precinct in which the referendum is to be held.

10 (5) The individuals entitled to vote in the referendum are all of the  
 11 registered voters resident in the appellant school corporation.

12 (6) Each precinct election board shall count the affirmative votes  
 13 and the negative votes cast in the referendum and shall certify  
 14 those two (2) totals to the county election board of each county in  
 15 which the referendum is held. The circuit court clerk of each  
 16 county shall, immediately after the votes cast in the referendum  
 17 have been counted, certify the results of the referendum to the tax  
 18 control board. Upon receiving the certification of all of the votes  
 19 cast in the referendum, the tax control board shall promptly  
 20 certify the result of the referendum to the department of local  
 21 government finance. If a majority of the individuals who voted in  
 22 the referendum voted "yes" on the referendum question, the  
 23 department of local government finance, upon being notified in  
 24 the manner described in this subsection of the result of the  
 25 referendum, shall take prompt and appropriate steps to notify the  
 26 appellant school corporation that the appellant school corporation  
 27 is authorized to collect, for the calendar year that next follows the  
 28 calendar year in which the referendum is held, a referendum tax  
 29 levy not greater than the amount approved in the referendum. The  
 30 referendum tax levy may be imposed for the number of calendar  
 31 years approved by the voters following the referendum for the  
 32 school corporation in which the referendum is held. If a majority  
 33 of the individuals who voted in the referendum voted "yes" on the  
 34 referendum question, the school corporation shall establish a  
 35 referendum tax levy fund under IC 21-2-11.6. A school  
 36 corporation's referendum tax levy may not be considered in the  
 37 determination of the school corporation's state tuition support  
 38 under IC 21-3-1.7 or the determination of the school corporation's  
 39 maximum general fund tax levy under this chapter and  
 40 IC 21-3-1.7. If a majority of the persons who voted in the  
 41 referendum did not vote "yes" on the referendum question, the  
 42 appellant school corporation may not make any tax levy for its

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1 general fund other than a normal tax levy, and another referendum  
2 under this subsection may not be held for a period of one (1) year  
3 after the date of the referendum.

4 (d) With respect to any school corporation to which a loan or  
5 advance of state funds is made under this section, or for which such a  
6 loan or an advance is recommended, for purposes other than the  
7 purpose specified in section 4.7 of this chapter, the tax control board  
8 may recommend to the department of local government finance that the  
9 school corporation be authorized, for a specified calendar year, and  
10 solely for the purpose of enabling the school corporation to repay the  
11 loan or advance, to collect an excessive tax levy. A recommendation  
12 under this subsection must specify the amount of the recommended  
13 excessive tax levy. Upon receiving the recommendation from the tax  
14 control board, and without any other proceeding, the department of  
15 local government finance may authorize the school corporation, for a  
16 specified calendar year, to make an excessive tax levy in accordance  
17 with the recommendation of the tax control board or in accordance with  
18 a modification of the recommendation that the department of local  
19 government finance determines is proper. Whenever the department of  
20 local government finance exercises the power given to the department  
21 of local government finance under this subsection, the department of  
22 local government finance shall, in the department's order to the affected  
23 school corporation, specify the amount of the authorized excessive tax  
24 levy and take appropriate steps to ensure that so much of the proceeds  
25 of the excessive tax levy as should be used for loan repayment purposes  
26 is not used for any other purpose. The department of local government  
27 finance may not exercise the power described in this subsection to  
28 authorize any school corporation to collect an excessive tax levy for  
29 more than one (1) calendar year in any period of four (4) consecutive  
30 calendar years.

31 SECTION 42. THE FOLLOWING ARE REPEALED [EFFECTIVE  
32 JULY 1, 2003]: IC 3-6-7-2; IC 3-11-13-4.

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